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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,177	12/12/2003	Francesco Gropallo	206,383	1657

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EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,177

Applicant(s)

GROPALLO, FRANCESCO

Examiner

Lynne Edmondson

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 18, the phrase "towel-rack type" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "type"), thereby rendering the scope of the claim(s) unascertainable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 13-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Porte et al. (USPN 3310869).

Porte teaches a brazing process to join two metal parts at least one part being tubular by positioning a brazing ring formed of shaped wire (21b, 27) on one of the parts, aligning the parts and heating the parts in a furnace (col 1 line 66 – col 2 line 69). The tube (13) is brazed a hole in the header wall (26). Filler 21b is deposited around the end of tube 21 in groove 21a which is then inserted into hole 26 (figure 1). A

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stopper (caps, 23, 24) with a groove for receiving filler wire forms a closure. The parts form a radiator (col 1 lines 10-16).

5. Claims 1-8 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Conn et al. (USPN 5360158).

Conn teaches a brazing process to join two metal parts at least one part being tubular by positioning a coated brazing ring formed of shaped wire (26) on one of the parts, aligning the parts and heating the parts in a furnace (figures 1 and 4, col 1 lines 10-15, col 2 lines 10-26, col 7 lines 33-56, col 8 lines 27-36 and col 10 line 51 – col 11 line 5). The tube (12) is brazed a hole in the header wall (16, figure 2).

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rankin (USPN 2157918).

Rankin teaches a brazing process to join two metal parts at least one part being tubular by positioning a brazing ring formed of shaped wire (13, 13a) on one of the parts, aligning the parts and heating the parts in a furnace (figures 1-3, col 2 line 39 – col 3 line 65).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porte et al. (USPN 3310869) in view of Walker (USPN 3291962).

Porte teaches a brazing process to join two metal parts at least one part being tubular by positioning a brazing ring formed of shaped wire (21b, 27) on one of the parts, aligning the parts and heating the parts in a furnace (col 1 line 66 – col 2 line 69). The tube (13) is brazed a hole in the header wall (26). Filler 21b is deposited around the end of tube 21 in groove 21a which is then inserted into hole 26 (figure 1). A stopper (caps, 23, 24) with a groove for receiving filler wire forms a closure. The parts form a radiator (col 1 lines 10-16). However there is no disclosure of a tubular header. Neither is the distance into the hole disclosed.

Walker teaches a tubular header having holes to which tubes are joined (figure 1, col 1 lines 37-65, col 2 lines 28-59 and col 3 lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention that the method of joining would be similar for joining to an opening in a plate as joining to an opening in a large tube and that conventional headers and manifolds take both forms. The depth to which the tube is inserted into the hole is a design factor based on tube size, finished article size and is typically chosen such that a minimal amount of tubing is inserted while maintaining a strong, reliable joint.

Allowable Subject Matter

9. Claims 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Syslak et al. (USPN 6604669 B1), Chamberlain (USPN 1889974, taper, groove), Martucci et al. (USPN 3496629, groove, coating), Halvorsen (USPN 3871063) and Selke (USPN 2959844).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson
Primary Examiner
Art Unit 1725

UE 9/1/05

LRE